



The Petitioner, Julie Babauta Santos, individually and on behalf of all those similarly situated (hereinafter “EIC Class”), through her attorneys of record Phillips and Bordallo, P.C., by Michael F. Phillips, moves the Court pursuant to Local Rule 7.1(h) and General Rule 6.1 for a short continuance of the attorneys fees hearing the Court recently scheduled for November 20, 2007. All parties consent to Petitioner’s request. The Objectors will not consent to a continuance of the new court date.

The Petitioner bases her motion on the accompanying Memorandum of Points and Authorities, Declaration of Michael F. Phillips, Exhibit "A" (travel information), the record on file, and on any evidence or arguments presented should the Court order a hearing on this matter.

\* \* \* \* **MEMORANDUM OF POINTS AND AUTHORITIES** \* \* \* \*

The Court recently moved the hearing date on the motion for attorneys' fees from October 22, 2007, to November 20, 2007. Attorney Michael F. Phillips, counsel for Petitioner Julie Babauta Santos, is scheduled to return from off-island the evening of November 20, 2007. Attorney Phillips departs Guam on November 12, 2007 for the National Asian Pacific American Bar Association ("NAPABA") convention which takes place the same week from November 15, 2007 through November 18, 2007 in Las Vegas, Nevada. Plans for Attorney Phillips' attendance at the convention were made on October 7, 2007. At the conclusion of the convention, Attorney Phillips will immediately depart Las Vegas on November 19, 2007 and arrive on Guam the evening of November 20, 2007.

However, on October 15, 2007, the Court sua sponte moved the hearing date for attorneys fees to the morning of November 20, 2007. Since then counsel for Petitioner Santos has attempted to request a continuance by way of stipulation between the parties and the Simpao

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objectors. However, attorneys for Objectors Simpao et. al. refused to agree to the continuance  
thus, Attorney Phillips had no choice but to file the motion herein.

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Petitioner and counsel request the Court re-set the attorneys fees hearing for a date on or  
after November 26, 2007 as Petitioner's counsel is scheduled to attend the NAPABA convention  
from November 15, 2007 through November 18, 2007. Attorney Phillips is scheduled to leave Las  
Vegas immediately after the conclusion of the convention on November 19, 2007 and will arrive  
on Guam the evening of November 20, 2007. However, even with Attorney Phillips leaving  
Nevada on November 19, 2007, with the time difference the earliest that Attorney Phillips would  
be on Guam is in the evening of November 20, 2007. The hearing is scheduled to begin at  
9:30am on November 20, 2007. Based on the foregoing, Petitioner and counsel respectfully  
request the Court to continue the attorneys fees hearing to November 26, 2007 or soon thereafter.

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Local Rule 7.1(h) addresses motion practice and continuances:

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(1) Any moving party who does not intend to press the motion  
or who intends to withdraw before the hearing date, any  
opposing party who does not intend to oppose the motion, and  
any party who intends to move for a continuance of the hearing  
of a motion shall, not later than five (5) working days preceding  
the oral argument date, notify opposing counsel and the court  
clerk in writing.

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(2) Absent good cause shown, a deadline fixed by these rules  
and the "Agreement of Hearing Date" will not be extended.

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General Rule 6.1 governs continuances:

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No continuance shall be granted merely on the stipulation of  
the parties. If the Court is satisfied that counsel are preparing  
the case with diligence and additional time is required to  
comply with these Rules, the parties may move the Court to  
extend the dates for the obligations imposed under these  
Rules, upon submission of a timely stipulated motion signed by  
all counsel setting forth the reasons for the requested  
continuance. No continuance will be granted unless the  
stipulation has been lodged before the date upon which the act  
was to have been completed under this Rule.

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2        "The District Court has considerable latitude in granting or denying continuances." United  
3 States v. Pope, 841 F.2d 954, 956 (9th Cir., 1988) citing United States v. Flynt, 756 F.2d 1352,  
4 1358 (9th Cir. 1985). It is an abuse of discretion for a District Court to deny a request for an  
5 extension of time where hardship in complying with the original deadline is explained by the  
6 plaintiff and clearly constitutes just cause for awarding the extension. Eldridge v. Block, 832 F.2d  
7 1132, 1136 (9th Cir. 1987).

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9        Counsel for the Petitioner has remained diligent in all matters. The continuance will allow  
10 counsel to attend and participate in a previous commitment off-island and still make it back in time  
11 for oral arguments. The short continuance will not inconvenience the Court nor will it prejudice  
12 any parties. Petitioner's counsel will be able to abide by the other deadlines set by the Court for  
13 the hearing on the motion for attorneys' fees.

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15       Petitioner's counsel attempted unsuccessfully to obtain the consent of the attorney  
16 representing Objectors Simpao, et al. Attorney Ignacio C. Aguigui, representing Plaintiff  
17 Charmaine Torres, Attorney Daniel M. Benjamin representing Felix P. Camacho, Governor of  
18 Guam, and Attorney Rawlen M.T. Mantanona representing Respondents Lourdes M. Perez and  
19 Artemio R. Ilagan, do not object to the continuance of the hearing to November 26, 2007 or soon  
20 thereafter.

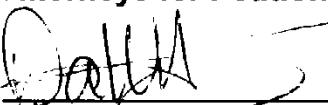
21       For the reasons stated above, the Court should grant Petitioner Julie Babauta Santos'

1 Motion for Continuance and set the hearing on the motion for attorneys' fees to a date and time  
2 on or after November 26, 2007.  
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4 Respectfully submitted this 30<sup>th</sup> day of October, 2007.  
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6 **PHILLIPS & BORDALLO, P.C.**  
7 Attorneys for Petitioner

8 By:

  
Michael F. Phillips



Windows Live™

**Fw: PHILLIPS/MIKE(VAC) 12NOV GUM**

From: Travel Bag, Inc. (travelbag@gum.net)  
Sent: Wed 10/10/07 5:05 AM  
To: nadyasi@hotmail.com

TRAVEL BAG, INC.  
215-A CHALAN SANTO PAPA  
SUITE 107D  
AGANA GU 96910  
TELEPHONE: 671 472 2653  
FAX : 671 472 2735

DATE 10OCTOBER07  
AGENT KD/KD BOOKING REF 232DEX  
PHILLIPS/MIKE

SERVICE	DATE FROM	TO	DEPART	ARRIVE
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CONTINENTAL AIRLINES 12NOV GUAM HONOLULU HI 730A 640P  
CO 2 MONDAY A.B WON PAT IN HONOLULU INTL 11NOV  
D BUSINESS TERMINAL M  
BREAKFAST NON STOP  
RESERVATION CONFIRMED 7:10 DURATION  
FLIGHT OPERATED BY CONTINENTAL MICRONESIA  
AIRCRAFT: BOEING 767-200/300

NORTHWEST AIRLINES 13NOV HONOLULU HI SAN FRANCIS CA 1050P 556A  
NW 222 TUESDAY HONOLULU INTL INTL 14NOV  
F FIRST TERMINAL M TERMINAL 1  
SNACK NON STOP  
RESERVATION CONFIRMED 5:06 DURATION  
AIRCRAFT: BOEING 757-300

UNITED AIRLINES 15NOV SAN FRANCIS CA LAS VEGAS NV 302P 434P  
UA 1524 THURSDAY INTL MCCARRAN INTL  
H ECONOMY TERMINAL 3 TERMINAL 1  
NON SMOKING NON STOP  
RESERVATION CONFIRMED 1:32 DURATION  
FLIGHT OPERATED BY UNITED FOR TED  
AIRCRAFT: AIRBUS INDUSTRIE A318/A319/A320/A321

UNITED AIRLINES 19NOV LAS VEGAS NV LOS ANGELES CA 630A 739A  
UA 1481 MONDAY MCCARRAN INTL INTL

Y ECONOMY TERMINAL 1 TERMINAL 7  
NON SMOKING NON STOP  
RESERVATION CONFIRMED 1:09 DURATION  
FLIGHT OPERATED BY UNITED FOR TED  
AIRCRAFT: AIRBUS INDUSTRIE A318/A319/A320/A321

CONTINENTAL AIRLINES 19NOV LOS ANGELES CA HONOLULU HI 900A 1245P  
CO 3 MONDAY INTL HONOLULU INTL  
Z FIRST TERMINAL 6 TERMINAL M  
BREAKFAST NON STOP  
RESERVATION CONFIRMED 5:45 DURATION  
AIRCRAFT: BOEING 767-400

CONTINENTAL AIRLINES 19NOV HONOLULU HI GUAM 320P 705P  
CO 1 MONDAY HONOLULU INTL A.B WON PAT IN 20NOV  
Z BUSINESS TERMINAL M  
DINNER NON STOP  
RESERVATION CONFIRMED 7:45 DURATION  
FLIGHT OPERATED BY CONTINENTAL MICRONESIA  
AIRCRAFT: BOEING 767-200/300